

REMARKS

Upon entry of the present amendment, claims 1, 5-10 are pending in the application.

Reconsideration and allowance of the claims are respectfully requested in view of the above amendments and the following remarks.

1. **Objection to claim 1 for informalities.**

Claim 1 has been objected to for incorrect grammar. The PTO believes that Line 3 states, "a first and second cylindrical guide roll..." (Office Action of 9/6/06, page 2) and believes that Line 3 should be corrected to state, "A first and second cylindrical guide rolls..." (Office Action of 9/6/06, page 2).

Applicants greatly appreciate the detailed basis of the objection but must respectfully disagree.

Claim 1, Line 3 actually states: "a first and a second cylindrical guide roll..." (emphasis added). Thus, a correction of grammar is unnecessary.

Reconsideration and removal of the objection is respectfully requested.

2. **Rejection of claims 1, 5-10 under 35 U.S.C. §102(b) as being anticipated by Jury, U.S. 4,257,251, hereafter "Jury" or "251".**

Claims 1, 5-10 have been rejected as being anticipated by Jury. The PTO contends that the Abstract, Figure 1 and Figure 2 of Jury anticipate claim 1. More specifically, the PTO's position is that Jury teaches "a bendable strip (47)...capable of motion around the first and second cylindrical guide rolls in the first direction and exerting a force upon the work piece (50)..." (Office Action of 9/6/06, page 3).

Applicants greatly appreciate the detailed basis of rejection but must respectfully disagree.

A rejection for anticipation under section 102 requires that each and every limitation of the claimed invention be disclosed in a single prior art reference. *In re Paulsen*, 31 U.S.P.Q.2d 1671 (Fed Cir. 1994).

Jury fails to meet this standard.

First, Jury fails to disclose a bendable strip "capable of motion around the first and second cylindrical guide rolls in the first direction and exerting a force upon the work piece..." as required by Applicants' independent claim 1. While a reference prior art need not use the identical terminology, the reference must "sufficiently describe the claimed invention to have placed the public in possession of it." *Minnesota Mining & Mfg. Co. v. Johnson & Johnson Orthopaedics, Inc.*, 24 U.S.P.Q.2d 1321, 1332 (Fed. Cir. 1992).

In contrast, Jury provides for a carriage (47), supported by two load rollers (22, 23) adjacent and on each side of the lower roller (26), where said carriage supports the die plate (48). ('251, col. 2, lines 15-17). Specifically, the process of the Jury invention includes loading the die plate onto a carriage (47), loading the workpiece (50) onto the die plate, loading a slab of elastomeric material (51) on the workpiece, and feeding this "sandwich" over the front load roller (22), into the nip of the pressing rollers (26, 31) and then over the rear load roller (23). ('251, col. 2, lines 21-48). Jury also teaches that driving all said rollers simultaneously supports the carriage and die plate against deformation while at the same time deforming the workpiece. ('251, col. 2, lines 34-41).

The PTO appears to be relying upon Jury's carriage (47) for the disclosure of Applicants' bendable strip (20) and upon Jury's front load rollers (23) and (22) for disclosure of Applicants' first and second cylindrical guide rolls (12) and (14). However, Jury's element (47) is not capable of motion around Jury's front load rollers (23) and (22). Rather, Jury's carriage (47) appears to be inflexible and incapable of any motion. Indeed, the principle of operation in Jury appears to require that carriage (47) remain rigid so as to allow first pressing roller (31) to exert force down upon elastomeric slab (51) and die plate (48). The downward force exerted by Jury's roller (31) forces the elastomeric slab to deform workpiece (50) into the irregular shape of die plate 48. Carriage plate (47) must therefore stay rigid so as to exert an upward upon the bottom of die plate (48).

More particularly, Figure 1 and Figure 2 of Jury teach a carriage that only moves in a straight line across the exposed tangential surface of the outer circumference of the front and rear load rollers in the "carriage support plane". The carriage support plane is defined the rolling surfaces of the roll case rollers (45), the front and rear load rollers

(22, 23), and the lower pressing roller (26). ('251, col. 4, lines 16-18). The Jury carriage is not capable of motion around the front and rear load rollers, but is merely supported by the rollers that define the carriage support plane for movement between the nip of the upper and lower pressing rollers (26, 31). ('251, col. 4, lines 18-20). No bendable strip capable of motion around the first and second cylindrical guide rolls is taught in the cited reference. The carriage (47) of Jury is not a bendable strip capable of motion around the first and second cylindrical guide rolls as required by Applicants' independent claim 1.

Thus, Jury does not disclose a bendable strip capable of motion around the first and second cylindrical guide rolls as required by Applicants' independent claim 1. Neither Figure 1 or Figure 2 of Jury teach this particular claim limitation of Applicants' independent claim 1.

Second, Jury does not disclose Applicants' required plastic deformation passage having a first and second surface wherein at least a portion of the first surface is defined by a portion of the bendable strip.

In contrast, Figure 1 and Figure 2 of Jury teach that a deformation passage that is defined by the elastomeric slab (51) and the die plate (48). Jury's workpiece (50) is positioned so that one surface is contiguous with the surface of the die plate (48) and the other is contiguous with the surface of elastomer slab (51). ('251, col. 4, lines 30-34). On Figure 2 of Jury, arrow A indicates the main pressure force, from the upper and lower pressing rollers, which causes the slab of elastomeric material (51) to deform the workpiece (50). ('251, col. 4, lines 29-30). On Figure 2 of Jury, "arrows B indicate the secondary or resilient forces imparted by the elastomeric slab to the die plate (48) and the carriage (47), which forces tend to curve the carriage and die plate." ('251, col. 4, lines 31-35). Jury further teaches that driving all of the pressing and loading rollers simultaneously supports the carriage and die plate against deformation while at the same time deforming the workpiece. ('251, col. 2, lines 34-41). Thus, Jury lacks Applicants' particularly required deformation passage of independent claim 1.

Accordingly, Jury fails to disclose at least two of the particularly required elements of Applicants' independent claim 1.

Reconsideration and removal of the anticipation rejection is respectfully requested in as much as Jury fails to disclose required limitations of independent claim 1. Similarly, reconsideration and removal of the rejection is also requested as to dependent claims 5-10, in as much as these dependent claims incorporate the limitations of independent claim 1.

CONCLUSION

Applicant(s) respectfully submit that the Application and pending claims are patentable in view of the foregoing amendments and/or remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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